



Council may take formal action on any item appearing on this Agenda. However, formal action WILL NOT be taken at this meeting on any item of business first identified during the course of the meeting as a change to the Agenda, other business, or Citizen, Councilmember and Staff Comments.

A G E N D A

**Delta City Council
Regular Meeting**

**June 15, 2015
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Public Hearing: Special Events Permit Application; Delta Elks Lodge #1235**
- F. Public Hearing: Special Events Permit Application; HopeWest**
- G. Hotel/Restaurant Liquor License Renewal; El Tapatio**
- H. Fireworks Permit; Delta Volunteer Fire Department District No. 1**
- I. Zoning Amedment/Rezone; JCS Subdivision
Ordinance #5, 2015; First Reading
Zoning Amendment for 791 1550 Road**
- J. Ordinance #4, 2015; Second and Final Reading
Zoning Amendment for Lots 19-26, Block 7 Town of Delta (632, 640 & 654 Main
Street; two of the parcels are not addressed) from B-1 to B-2**
- K. City Attorney Comments**
- L. City Manager Comments**
- M. Councilmember Comments**
- N. Executive Session**
For discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees

Item A:

Pledge of Allegiance



Item B:

Changes to the Agenda

Mayor Ed Sisson called the meeting to order at 7:00 p.m. Also present were Councilmembers Robert Jurca, Mary Cooper, and Ray Penick along with Interim City Manager Glen Black and City Attorney Nicole Garrimone. Absent was Councilmember Bill Raley. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Penick and seconded by Councilmember Jurca to approve the minutes of the May 19, 2015 regular meeting, the May 20, 2015 special meeting, the May 21, 2015 special meeting and the May 26, 2015 special meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Public Hearing: Retail Liquor Store License Application; HOGO Liquors, LLC dba Whiskey's

City Attorney Nicole Garrimone stated that Council will be considering a liquor license application. The process does require a public hearing at which interested parties can provide testimony and be cross examined. There are few findings that Council will need to make when they choose to grant or deny the application which are:

- Reasonable requirements of the neighborhood of the liquor store.
- The desires of the adult inhabitant of the neighborhood.
- Other reasonable restrictions of the neighborhood such as zoning.

Ms. Garrimone recommended that each individual that addresses Council state whether they are inhabitants of the City of Delta. The public hearing will need to be opened, testimony given and then close the public hearing at which time Council can make their determination or they can choose to wait 30 days.

The Mayor recessed the regular meeting and convened a public hearing

Councilmember Penick stated that he is related to the applicant; therefore, he will be leaving the Council Chambers and returning after this item has concluded.

The Clerk reported that HOGO Liquors, LLC dba Whiskey's has applied for a Retail Liquor Store License. She stated that the following are the findings after review of the application:

- The owners of HOGO Liquors, LLOC are Matthew and Susie Horn.

Regular Meeting, Delta City Council, June 2, 2015 (cont.)

Public Hearing: Retail Liquor Store License Application; HOGO Liquors, LLC dba Whiskey's (cont.)

- Both have been subject to a criminal records check through the Colorado Bureau of Investigation and the results showed:
 - Matthew Horn – no record
 - Susie Horn showed of offense date of April 24, 2011 for the following:
 - Driving under the influence/ misdemeanor
 - Driving under the influence per se/misdemeanor
 - Traffic Offense/stop sign violation
- The location of the business is 1100 Highway 92 in Delta.
- There has not been a denial of an application for a Retail Liquor Store License at the location for which the application is made.
- The applicant has provided proof of possession of the premises that is proposed to be licensed.
- Selling Spirituous liquors in the manner proposed in the application is not in violation of the zoning, fire, and other applicable laws of the City of Delta, or any laws, rules or regulations of the City/County Health Department or the laws of the State of Colorado. The applicant has been in contact with the City's Community Development Department.
- The property does not appear to be within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.
- A sign was posted at the site as required by law.
- A public notice was in the Delta County Independent as required by law.
- Within the corporate limits of the City of Delta, there are the following existing liquor outlets:
 - Beer and Wine 1
 - Club 1
 - Hotel & Restaurant 9
 - Retail Liquor Store 5
 - Tavern 3
 - 3.2% Beer Off Premises 4
 - 3.2% Beer On Premised 1

The Clerk also reported that the applicants have submitted a petition with 148 signatures in favor of the proposed liquor store.

Matthew Horn, 8194 Horn Rd, Delta, stated that he and his wife, Susie Horn, want to open this liquor store as a family business. He has been in the industry for 15 years and has a lot of knowledge about the industry. This will be an opportunity for him to provide for his family and run his own business.

Curt Smelser 550 Palmer Street, Suite 201, stated that he is with the law firm of Brown & Camp. He is representing Toni Lackey who is the owner of Moonshine Liquors. Ms. Lackey would like to go on record that she opposes the application. Not that she is opposed to the liquor business because she is in the liquor business. They are concerned of the timing of it with the conditions that are before us in the City of Delta now.

Regular Meeting, Delta City Council, June 2, 2015 (cont.)

Public Hearing: Retail Liquor Store License Application; HOGO Liquors, LLC dba Whiskey's (cont.)

Mr. Smelser stated that Council was presented the criterion that needs to be used to make a decision on this matter. The burden was on the applicant to make the case that it is appropriate to do so. He believes that they have not done that. He looked at the criteria that the State requires that the City consider under CRS 12-47-312. There has to be an established need. The need has not been established.

Mr. Smelser presented information regarding the population of the State of Colorado, County of Delta and the City of Delta. He reported that the City of Delta has had a 4.2% decline in population since 2009. He also presented how many liquor stores there are in the State, County of Delta and City of Delta stating that Delta County is well served with liquor stores. The density of liquors stores is a reliable measure of neighborhood need that may be considered in new applications. In addition to the adequate supply of liquor stores, and declining population, the industry faces the possibility of an even steeper business decline after 2016. According to published reports, the liquor industry is facing a statewide initiative to be placed on the ballot in 2016. The initiative would authorize the sale of liquor in large grocery chain stores.

Mr. Smelser does not believe that criteria have been presented for Council to approve the application. He suggested Council take all this into consideration and deny the application. He presented Council with a letter as well as a petition opposing the application.

Josh Hernandez, 1709 Pioneer Circle, stated he is in favor of the liquor store. It is a good location on and off the highway. He has known Matt and Susie for several years and they are both hard workers and will make this business succeed.

Mark Bennett, 38721 Yoman Road in Crawford, he has been a friend and co-worker of Matt for several years. He is in favor of the liquor license. This has been Matt's dream for a while now. The new store will help out with the tax revenue for Delta as well as the employment status.

Keith Josse, 8689 2100 Road, Austin, owner of D&B Liquors, stated that this is not Matt Horn against the liquor stores of Delta. How many stores is Council going to allow? Last year at this time there were two applicants. One of the applicants purchased one in Montrose and the other decided to not proceed. Liquor stores struggle, banks don't even want talk to the liquor store owners. You can't sell your stores for what you have in it. If the law passes, there will be more liquor stores. He presented an example of Fargo, South Dakota. He has known Matt for a while and he is a good guy. This is not five liquor stores against him, this if five liquor stores wanting to know what their future is.

Mary Vigil, 434 Grand Blvd, stated that she has a different outlook on this business Matthew and Susie are looking at opening. She has been friends with them for over 14 years, Susie has been an employee on and off for over 10 years. They are the hardest working couple she knows. Ms. Vigil stated that she just remodeled a building to move her business to. When she was looking for a building, there is not much to look at in Delta. The buildings establishments are going downhill. She suggested that may be a reason why the population is declining. Matt and Susie's new business is going to help beautify the City and bring in more tax dollars. She wants to see our community grow. She is in favor of the new liquor store.

Regular Meeting, Delta City Council, June 2, 2015 (cont.)

Public Hearing: Retail Liquor Store License Application; HOGO Liquors, LLC dba Whiskey's (cont.)

Lena McPherson, 720 E. 3rd Street, as Council may remember she was the owner of Critter's Sport Bar and Grill and operated it for 10 years. She is in favor of the new liquor store. At one time Council had stated that competition is good to help the community grow and bring in more revenue. Delta needs this and it is a perfect location. People will still do business with the other liquor stores.

Matthew Horn requested to present rebuttal testimony. He stated he believes with the petition that was submitted the need was established. He stated that one thing he wanted to establish is that he is going to be doing something that nobody in town is cable of doing because of their size and location. The stores in Delta are too small; they can't house the product that is available. He also commented on the statement that this is not Matt Horn against the liquor stores. One year ago he was the only person present at the hearing for the liquor store next to Safeway. He would like his chance to make a better business for Delta and for himself.

Russ Oak, 360 Howard St., business owner in Delta County, respectfully disagreed with the points of decline in the City. He stated it's a slippery slope to close potential businesses. In a case like this, if Delta starts to close the doors more and more it will affect the population. He commented on other businesses that have thrived with competition. Matthew and Susie both have integrity. He is in favor of the new store as well.

The Mayor called for additional comments and when there were none he closed the public hearing and reconvened the regular meeting.

Councilmember Cooper questioned the City Attorney about the petitions that were submitted. She stated that the petition submitted by the applicant have addresses and dates. The petition that was submitted by Mr. Smelser does not have addresses, etc.

Ms. Garrimone stated that Council has to consider the needs of the adult inhabitants of the neighborhood, which has been established in the past as the city limits of Delta. Therefore, Council would look at the adult inhabitants of the city meaning residents not necessarily business owners.

Councilmember Cooper stated she does not want to just throw them out; however, there is no way to validate the signatures.

Mayor Sisson stated that Council needs to encourage businesses.

Councilmember Jurca stated that he likes the location; however, he is struggling with the need.

Mayor Sisson stated that there is a lot of competition. They are taking a risk and he applauds the applicant for trying.

Councilmember Cooper suggested taking a look at other types of businesses and ask yourself whether they would deny a business trying to open in Delta. She believes competition is healthy.

Regular Meeting, Delta City Council, June 2, 2015 (cont.)

Public Hearing: Retail Liquor Store License Application; HOGO Liquors, LLC dba Whiskey's (cont.)

Councilmember Cooper stated that the criteria that has been presented meets the reasonable needs and desires of the neighborhood and the application is within zoning requirements; therefore she moved to approve the Retail Liquor Store application for HOGO, LLC dba Whiskey's. The motion was seconded by Councilmember Jurca. Mayor Sisson called for a roll call vote: Councilmember Cooper, aye; Jurca, aye and Sisson aye. Motion carried.

Public Hearing: Special Events Permit Application; Delta Area Chamber of Commerce 680 1800 Road

The Mayor recessed the regular meeting and convened a public hearing.

The clerk reported that the Delta Area Chamber of Commerce has submitted a Special Events Permit application for the rodeo event to take place during Deltarado Days on July 18, 2015. She stated that the application is complete and all fees have been paid. A sign was posted at the site as required by law and no comments have been received.

The Mayor called for public comment and when there was none he closed the public hearing and reconvened the regular meeting.

Leslie Workman, Director of Delta Area Chamber of Commerce, reported that in the past the beer garden was down at Cleland Park. They are moving it up to the roundup club for the simple fact that there will be various activities throughout the day up there. There will still be vendors at Cleland.

It was moved by Councilmember Penick and seconded by Councilmember Cooper to approve the Special Events Permit application for the Delta Area Chamber of Commerce for July 18, 2015. All in favor, motion carried.

Public Hearing: Special Events Permit Application; Delta Area Chamber of Commerce 4th Street Between Main and Meeker Streets

The Mayor recessed the regular meeting and convened a public hearing.

The clerk reported that the Delta Area Chamber of Commerce has submitted a Special Events Permit application for the street dance event to take place during Deltarado Days on July 17, 2015. She stated that the application is complete and all fees have been paid. A sign was posted at the site as required by law and no comments have been received.

The Mayor called for public comment and when there was none he closed the public hearing and reconvened the regular meeting.

It was moved by Councilmember Jurca and seconded by Councilmember Cooper to approve the Special Events Permit application for the Delta Area Chamber of Commerce for July 17, 2015 as presented. All in favor, motion carried.

Regular Meeting, Delta City Council, June 2, 2015 (cont.)

Beer & Wine License Renewal; House of Chin

The clerk stated that House of Chin has submitted their Beer & Wine License renewal. The application is complete and all fees have been paid. The police department is recommending renewal.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to approve the House of Chin Beer & Wine License renewal. All in favor, motion carried.

3.2% Beer Off Premises Renewal; Walmart

The clerk also stated that Walmart has submitted their 3.2% Beer Off Premises renewal. The application is complete and all fees have been paid. The police department is recommending renewal.

It was moved by Councilmember Jurca and seconded by Councilmember Penick to approve the 3.2% Beer Off Premises renewal for Walmart. All in favor, motion carried.

Delta Housing Authority Board Appointment

The clerk stated that the Delta Housing Authority Board has a vacancy. Staff has advertised for the position and has received one application. She also stated that she has included with her memo the current bylaws for the board. The applicant does not live in the City; therefore, staff has reviewed the bylaws and the state statutes to determine if the applicant is eligible. There is nothing in the bylaws or the statutes that state the applicant has to reside in city limits. Staff believes Council has the following options:

- Review application and appoint applicant;
- Set time to interview the applicant;
- Continue advertising for the position for some time period

Mayor Sisson stated that he knows Tracy German. She served on the Chamber board and he believes she is very well qualified for the position.

Councilmember Jurca stated the Delta Housing Authority Board does not just serve the City of Delta. They are now serving a five county area. The bylaws don't mention anything about having to live in city limits and he sees no problem with it.

It was moved by Councilmember Cooper seconded by Councilmember Jurca to appoint Tracy German to the Delta Housing Authority Board. All in favor, motion carried.

Ordinance #4, 2015; First Reading

Zoning Amendment for Lots 19-26, Block 7 Town of Delta (632, 640 & 654 Main Street; two of the parcels are not addressed) from B-1 to B-2

Ordinance #4, 2015

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
AMENDING THE ZONING DESIGNATION OF Block 7, Lots 19-

Regular Meeting, Delta City Council, June 2, 2015 (cont.)

Ordinance #4, 2015; First Reading

Zoning Amendment for Lots 19-26, Block 7 Town of Delta (632, 640 & 654 Main Street; two of the parcels are not addressed) from B-1 to B-2 (cont.)

26 Original Town of Delta – including 632-640 & 654 Main Street
from B-1, Business District to B-2, Business District

was read by the Clerk.

It was moved by Councilmember Jurca and seconded by Councilmember Cooper to adopt Ordinance #4, 2015 of First Reading. Roll call vote: Councilmember Cooper, aye; Jurca, aye; Penick, aye and Sisson, aye. Motion carried.

City Attorney Comments

There were none.

City Manager Comments

Manager Black thanked Nicole Garrimone for attending the meeting this evening.

He reported on the following items:

- Palmer Street has been paved.
- Thanked the Public Works Department for working on a water break Friday evening until early Saturday morning.
- City Manager interviews next Friday. A tentative schedule was presented for Council to review.
- Colorado Cities and Town week is September 14th – 20th.
- The golf course held a junior golf clinic and had 30 participants.

Councilmember Comments

Councilmember Cooper reminded everyone that the next Council meeting is on Monday, June 15th. She also complimented the staff at the recreation center.

Councilmember Penick stated that he has received compliments on how staff handled the closing of Main Street.

Mayor Sisson updated everyone on Councilmember Raley. He complimented the parks department staff in spraying weeds out in North Delta. He also stated that he worked with a police officer who was very courteous.

The meeting was adjourned at 7:51 p.m.

Jolene E. Nelson, CMC, City Clerk

Item D:

Citizen Comments



MEMO

To: Mayor and City Council
From: Jolene Nelson, City Clerk
Date: June 15, 2015
Subject: Public Hearing: Delta Elks No. 1235 Special Events Permit



Office of the City Clerk

Recommendation:

Staff recommends approving the application for a Special Events Liquor Permit to Delta Elks Lodge No. 1235 for their annual Charity Ball Event scheduled for July 11, 2015.

Background:

Delta Elks Lodge No. 1235 has submitted an application for a Special Events Liquor Permit for their event on July 11, 2015. The application specifies that they plan to sell alcoholic beverages from 8:00 a.m. to 2:00 a.m.

The application is complete and the fees; \$35 to the City and \$25 to the State have been paid.

A sign notifying the public of this hearing has been posted at the site for at least ten days as required by law. As of the writing of this memo, no comments, either for or against the approval of the application, have been received by the City Clerk.

Cost:

There is no cost to the City.

Alignment With Strategic Planning:

Per Delta Municipal Code 5.10.010 “the Delta City Council is hereby designated the local licensing authority for the purposes of exercising the duties and powers provided for in the Colorado Beer Code and the Colorado Liquor Code.”

Actions To Be Taken if Approved:

The Mayor and Clerk will sign the application, and the Clerk will mail it to the State, who will review it and issue the permit.

MEMO

To: Mayor and City Council
From: Jolene Nelson, CMC, City Clerk
Date: June 15, 2015
Subject: Special Event Permit Application; HopeWest



Office of the City Clerk

Recommendation:

Staff recommends approving the application for a Special Events Liquor Permit for HopeWest Event for their fund raiser scheduled at Bill Heddles Recreation Center, 531 North Palmer Street on August 22, 2015.

Background:

HopeWest has submitted an application for a Special Events Liquor Permit for their fund raiser to be held at Bill Heddles Recreation Center, 531 North Palmer Street on August 22, 2015. The application specifies that they plan to sell alcoholic beverages from 4:00 p.m. to 12:00 a.m. on Saturday.

The application is complete and the fees, \$35 to the City and \$25 to the State, have been paid.

A sign notifying the public of this hearing has been posted at the site for at least ten days as required by law. As of the writing of this memo, no comments either for or against the approval of the application have been received by the City Clerk.

Cost:

There is no cost to the City.

Alignment With Strategic Planning:

Per Delta Municipal Code 5.10.010 "the Delta City Council is hereby designated the local licensing authority for the purposes of exercising the duties and powers provided for in the Colorado Beer Code and the Colorado Liquor Code."

Actions To Be Taken if Approved:

The Mayor and Clerk will sign the application, and the Clerk will mail it to the State, who will review it and issue the permit.

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT
AND ONE OF THE FOLLOWING (See back for details.)

- | | | |
|------------------------------------|--|---|
| <input type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input checked="" type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
2110 ☒ MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
2170 ☐ FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

DO NOT WRITE IN THIS SPACE

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE

State Sales Tax Number (Required)

98-10595-0000

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE
(include street, city/town and ZIP)

PO Box 24 / 195 Stafford Lane
Delta, CO 81416

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT
(include street, city/town and ZIP)

Bill Heddles Rec Center
531 North Tabor St
Delta, CO 81416

NAME
4. PRES./SECY OF ORG. or POLITICAL CANDIDATE

DATE OF BIRTH

HOME ADDRESS (Street, City, State, ZIP)

PHONE NUMBER

Jody Jorns

24281 Valley View Circle
Cedaredge, CO 81413

970-773-6422

5. EVENT MANAGER

Mary Hiler

669 Tabor Ave.
Grand Junction, CO 81505

970-812-7790

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN
ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?

☒ NO ☐ YES HOW MANY DAYS? _____

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?

☒ NO ☐ YES TO WHOM? _____

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? ☐ Yes ☐ No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To
8/22/2015															
	4 P														
	To	12 A													

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE

Jody Jorns

TITLE

Development Officer

DATE

4/15/2015

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

☐ CITY
☐ COUNTY

TELEPHONE NUMBER OF CITY/COUNTY CLERK

SIGNATURE

TITLE

DATE

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION

License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$

(Instructions on Reverse Side)

MEMO

To: City Council
From: Jolene E. Nelson, City Clerk
Date: June 15, 2015
Subject: Hotel/Restaurant Liquor License Renewal; El Tapatio



Office of the City Clerk

Recommendation:

Staff recommends approval of a retail liquor store license renewal for Delta El Tapatio located 353 Main Street. The Police Department's report and recommendation is attached.

Background:

The current liquor license expires August 19th, 2015.

Cost:

There is no cost to the City to renew the license. The applicant has paid the \$500.00 renewal fee to the State, the City renewal fee of \$150.00 as well as the City liquor occupation tax of \$400.00.

Alignment With Strategic Planning:

Per Delta Municipal Code 5.10.010 "the Delta City Council is hereby designated the local licensing authority for the purposes of exercising the duties and powers provided for in the Colorado Beer Code and the Colorado Liquor Code."

Actions To Be Taken if Approved:

The Mayor and Clerk will sign the renewal application, and the Clerk will mail it to the State, who will review the application and issue the State license.

**LIQUOR OR 3.2 BEER LICENSE
RENEWAL APPLICATION**

EL TAPATIO
353 MAIN ST
DELTA CO 81416-1815

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

Make check payable to: Colorado Department of Revenue.
The State may convert your check to a one-time electronic
banking transaction. Your bank account may be debited as early
as the same day received by the State. If converted, your check
will not be returned. If your check is rejected due to insufficient or
uncollected funds, the Department may collect the payment
amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name DELTA EL TAPATIO INC		DBA EL TAPATIO		
Liquor License # 12779300000	License Type Hotel & Restaurant (city)	Sales Tax License # 12779300000	Expiration Date 8/19/2015	Due Date 7/5/2015
Street Address 353 MAIN ST DELTA CO 81416-1815				Phone Number (970) 434 1703
Mailing Address 353 MAIN ST DELTA CO 81416-1815				
Operating Manager <i>Bonnie Hunt</i>	Home Address 302 carriage Hills Ct G.I.C.O 81503	Phone Number 712-9290		

- Do you have legal possession of the premises at the street address above? ☒ YES ☐ NO
Is the premises owned or rented? ☐ Owned ☒ Rented* *If rented, expiration date of lease 05-2020
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. ☐ YES ☒ NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. ☐ YES ☒ NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. ☐ YES ☒ NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. ☐ YES ☒ NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit - Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business EL TAPATIO INC	Title Owner
Signature <i>James E. Hunt</i>	Date 05-16-15

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority For	Date
Signature	Title
	Attest

MEMO

To: City Council
From: Jolene E. Nelson, CMC, City Clerk
Date: June 15, 2015
Subject: Fireworks Permit; Delta Volunteer Fire Department



Office of the City Clerk

Recommendation:

Staff recommends approval of the request from the Delta Volunteer Fire Department to conduct their annual 4th of July fireworks show at Confluence Park.

Background:

The Delta Volunteer Fire Department has submitted a request to conduct their annual 4th of July fireworks show. This event will be held on the 4th of July at Confluence Park. They have submitted proof of insurance as required by the Delta Municipal Code.

Cost:

There is no cost to the City.

Alignment With Strategic Planning:

The Delta Municipal Code Section 8.28.010B it states “No fireworks display may be conducted without the approval of the City Council.”

Actions To Be Taken if Approved:

Should Council approve the request, the Clerk will issue a permit to the Delta Volunteer Fire Department



DELTA VOLUNTEER FIRE DEPARTMENT

District No. 1

285 East 5th Street

Delta, CO 81416-0731

6-1-15

City of Delta:

I am writing this letter in an effort to request permission for our annual 4th of July fireworks show at Confluence Lake here in Delta, Co. As you all know have a long tradition of providing a safe, large and colorful show for all residents in not only the City of Delta, but the surrounding area.

We have been having our show at Confluence Lake, here in Delta for a number of years now and feel we as a fire department have worked hard to guard against possible fires as including having Cedaredge Fire Department on the West side of the Uncompahgre River and some of our own firefighters dedicated to fire watch during the show.

Again thanks for your time in this matter and thank you for the continued support of the City of Delta with our show including but not limited to dumpster use on the day of the 4th, backhoe use and cleanup the following day.

Thanks Again,

Shannon Crespin

Station Manager

Delta Volunteer Fire Department



DELTA VOLUNTEER FIRE DEPARTMENT

District No. 1

285 East 5th Street

Delta, CO 81416-0731

To: City of Delta
From: Delta Volunteer Fire Department
Date: June 1, 2015
R:E: 2016 Fireworks Donation

The Delta Volunteer Fire Department requests funds for the annual fireworks show. We are submitting this letter early as we understand budgeting for the following year often starts early and for your convenience. We appreciate the assistance in any funding for this community event.

The Delta Volunteer Fire Department appreciates the outstanding support received for the annual fireworks show. The support we receive makes the fireworks show at Confluence Park one of our community's biggest events of the year. All moneys collected go towards the buying of shells and related equipment needed for the show.


A donation of any amount for our show is greatly appreciated.

On behalf of the Delta Volunteer Fire Department

Thank You,

Shannon Crespín
Delta Fire Department
Station Manager

MEMO

To: City Council
From: Glen L. Black 
Date: June 15, 2015
Subject: Zoning Amendment/Rezone
J C S Subdivision, Lot 1 – 791 15.50 Road



Community Development

Recommendation: Consider the Planning Commission recommendation of approval of the zoning amendment request for J C S Subdivision, Lot 1 – 791 15.50 Road, from A-1 to R-1A

Background: On June 1, 2015, Planning Commission held a Public Hearing to review a Zoning Amendment/Rezone Request for 791 15.50 Road, J C S Subdivision Lot 1. The Planning Commission has made a recommendation to the City Council to approve the zoning amendment. Per City Code 17.04.290.H.1, "The Council may without further review implement such recommended change by adoption of a rezoning ordinance or take no action if no change is recommended, unless an appeal is filed as set out below, or it may decide in its discretion to hear the matter de novo as set out in Subsection (3) below."

Cost: Publication of the ordinance.

Alignment With Strategic Planning: The 2008 Comprehensive Master Plan Future Land Use Map shows the area to be zoned Medium Density Residential, which includes the current zoning designations of R1, R-1A and R2. There is a 46.4 acre piece of property across the road and a .26 acre piece of property located to the south of the property (not adjacent) that are currently zoned R-1A. Both of these properties were initially zoned R-1A at the time of annexation.

Actions To Be Taken: Accept the recommendation of the Planning Commission and consider the ordinance on first reading or set a de novo hearing.

Ordinance No. 5, 2015

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, AMENDING THE ZONING DESIGNATION OF 791 1550 Road (J C S Minor Subdivision, Lot 1) from A-1, Agriculture District to R-1A, Residential District.

WHEREAS, the owners of 791 1550 Road (J C S Minor Subdivision, Lot 1) located in Delta, Colorado have applied for rezoning of their property to a designation that will allow and additional single family homes on the parcel; and

WHEREAS, the City of Delta's Planning Commission, following a proper hearing of the rezoning application, has recommended that the zoning classification for the property be changed, as requested, from their present designation of A-1 to a new designation of R-1A; and

WHEREAS, the Delta City Council finds that the requested zoning change will not be adverse to the public health, safety and welfare and that the request substantially meets the City of Delta, Comprehensive Master Plan and future land use map. Therefore, as previously determined by the City Planning Commission, the requested zoning amendment meets the criteria for zoning changes set forth in Delta Municipal Code Section 17.04.270.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO, as follows:

Section 1. The zoning designation for the property in the City of Delta, Colorado that is specifically described as 791 15.50 Road (J C S Minor Subdivision, Lot 1) is hereby changed from A-1 to R-1A.

Section 2. The official zoning map of the City shall be amended as soon as practicable to reflect the zoning change for the subject properties as approved by this ordinance.

ADOPTED ON FIRST READING AND ORDERED PUBLISHED this ____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED this ____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

Ordinance No. 4, 2015

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, AMENDING THE ZONING DESIGNATION OF Block 7, Lots 19-26 Original Town of Delta - including 632-640 & 654 Main Street from B-1, Business District to B-2, Business District.

WHEREAS, the owner of Block 7, Lots 19-26 Original Town of Delta - including 632-640 & 654 Main Street (some lots do not have assigned addresses) located in Delta, Colorado has applied for rezoning of his property to a designation that will allow additional business uses including vehicle sales; and

WHEREAS, the City of Delta's Planning Commission, following a proper hearing of the rezoning application, has recommended that the zoning classification for the property not be changed, as requested, from the present designation of B-1 to a new designation of B-2; and

WHEREAS, the applicant filed an appeal with the City Clerk of the Planning Commission's decision; and

WHEREAS, the Delta City Council held a *De Novo* hearing on May 19, 2015 after proper notice; and

WHEREAS, the Delta City Council finds that the requested zoning change will not be adverse to the public health, safety and welfare and that the area has materially changed since the property was last zoned. Therefore, the requested zoning amendment meets the criteria for zoning changes set forth in Delta Municipal Code Section 17.04.270.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO, as follows:

Section 1. The zoning designation for the property in the City of Delta, Colorado that is specifically described as Block 7, Lots 19-26 Original Town of Delta - including 632-640 & 654 Main Street (some lots do not have assigned addresses) is hereby changed from B-1 to B-2.

Section 2. The official zoning map of the City shall be amended as soon as practicable to reflect the zoning change for the subject properties as approved by this ordinance.

ADOPTED ON FIRST READING AND ORDERED PUBLISHED this _____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED this _____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

Items: K, L & M

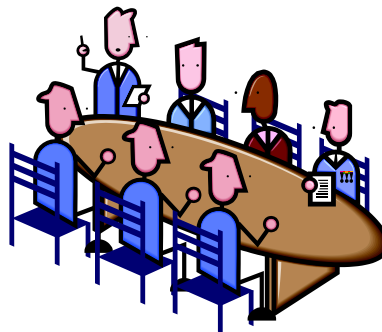
Attorney Comments



City Manager Comments



Councilmember Comments



Item N:

Executive Session:

For discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.